

December 20, 2023

VIA CM/ECF

Hon. Gregory H. Woods
United States District Court, Southern District of New York
500 Pearl Street, Room 1920, New York, NY 10007

Re: *U.S. Bank National Association, et al. v. The Charitable Donor Advised Fund, L.P. and CLO HoldCo Ltd. (Case No. 1:21-cv-11059-GHW)*

Dear Judge Woods,

Plaintiffs/Counter-Defendants U.S. Bank, National Association, in its capacity as trustee (the “Trustee”), Acis Capital Management, L.P. (“ACM”), and Joshua N. Terry (“Mr. Terry,” and, together with ACM and the Trustee, “Plaintiffs”), Defendants/Counter-Plaintiffs Charitable DAF Fund, LP a/k/a The Charitable Donor Advised Fund, L.P. (“DAF”), CLO HoldCo, Ltd. (“CLOH”), and Counter-Defendant Highland CLO Funding, Ltd. (“HCLOF,” and, collectively with Plaintiffs, DAF, and CLOH, the “Parties”) jointly submit this letter in response to the Court’s direction to provide a joint proposed briefing schedule and page limits for additional briefing addressing the recent Guernsey Judgment, including on the question of its potential preclusive effect. *See* Dkt. 230.

The Parties agree and propose the following briefing schedule and page limits for briefs addressing the Guernsey Judgment:

- January 10, 2024: Plaintiffs and HCLOF each file a 10-page brief.
- January 17, 2024: DAF and CLOH file a joint omnibus 20-page opposition brief.

The Parties disagree, however, concerning whether there should be reply briefing. Plaintiffs and HCLOF propose that they each file a 5-page reply brief by January 26, 2024. DAF and CLOH propose that there should be no reply briefing. The Parties therefore request the Court’s guidance on this last point.

The Parties thank the Court for its attention to this request.

Respectfully Submitted,

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